

REMARKS

Claims 1-23 were pending as of the action mailed on 4 April 2007.

Claims 1, 8, 9, 13 and 19-22 are being amended. Claims 3 and 14 have been cancelled and claims 24-33 have been newly added. No new matter has been added. Support for the amendments to claims 1, 8, 9, 13, 19 and 20 may be found within the applicant's specification at least at page 3, lines 7-18 and page 5, lines 19-23. Newly added system claims 24-28 correspond to method claims 1 and 4-7 and product claims 13 and 15-18. Newly added system claims 29-33 correspond to method claims 8-12 and product claims 19-23.

Reexamination and reconsideration of the action are requested in light of the forgoing amendments and the following remarks.

Specification

The examiner objected to the Abstract as being incomplete. Additionally, the examiner objected to the specification as containing a "minor typographical error." The applicant has amended the abstract and the specification accordingly.

Withdrawal of the objections to the specification is therefore respectfully requested.

Claim Objections

The examiner objected to claims 13-23 as containing minor typographical errors in the preamble. The applicant has amended independent claim 13 in accordance with the examiner's suggestion. Claims 14-23 depend from claim 13.

Withdrawal of the objections to the claims is therefore respectfully requested.

Section 112 Rejections

The examiner has rejected claims 13-23 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled by the specification.

Additionally, the examiner has rejected claims 8, 9 and 19 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the examiner notes that "claims 8 and 9

initially recite "a set of toolbar constraints" for both the source toolbar and the destination toolbar," which becomes indefinite when viewed in light of the later limitation "calculating a modified presentation of the source toolbar and the destination toolbar subject to the set of toolbar constraints."

To expedite prosecution, and without prejudice, the applicant has amended claims 8, 9 and 19 to better clarify that the calculation of the modified presentation is subject to the set of destination toolbar constraints. Additionally, the applicant has amended independent claim 13 to recite a computer program product, tangibly embodied in a machine-readable storage device. Claims 14-23 depend from claim 13.

Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

Double Patenting

The examiner advised that "should claims 15-18 be found allowable, claims 20-23 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof, as both sets of claims depend from independent claim 13." The applicant appreciates the examiner's advice and has amended claims 20-22 to depend from independent claim 19.

Section 101 Rejections

The examiner has rejected claims 13-23 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. As noted above, claim 13 has been amended to overcome the rejection. Claims 14-23 depend from claim 13.

Withdrawal of the rejections under 35 U.S.C. § 101 is therefore respectfully requested.

Section 102 Rejections

Claims 1-23 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Microsoft Excel 2000, as evidenced by "Special Edition Using Microsoft Excel 2000" ("Blattner") and "Special Edition Using Microsoft Office 2000" ("Bott").

Claims 1, 8, 13 and 19

Claims 1, 8, 13 and 19 have been amended to recite limitations not found within Microsoft Excel 2000 as evidenced by the Blattner and Bott publications. Specifically, the applicant has amended the claims to better clarify button constraints as including height and toolbar constraints as including both height and width. Additionally, the applicant has amended the claims to indicate that “when the one or more source toolbar buttons are moved from the source toolbar to the destination toolbar, the destination toolbar constraints determine the size of the one or more source toolbar buttons” and “the destination toolbar size does not change and all the toolbar buttons on the destination toolbar are a uniform size.”

The portions of Microsoft Excel 2000 cited by the examiner do teach the building of customized toolbars; however, Blattner very clearly indicates, “Unfortunately, Excel automatically resizes toolbars to accommodate the exact size of the buttons on the toolbar. You can’t widen the toolbar to display the whole toolbar name in the title bar,” (emphasis added), (Please see Blattner, page 876). The applicant notes that in accommodating the size of the buttons, the customization of toolbars in Microsoft Excel 2000 will clearly result in the toolbars looking unbalanced.

The applicant respectfully submits that this problem is addressed in the applicant’s specification, which states that “if an application supports toolbars of different heights for horizontal toolbars or widths for vertical toolbars, buttons dragged between the toolbars can result in toolbars looking unbalanced, with buttons of various sizes. Similarly, docking two toolbars together can result in two different sets of button sizes.” (Specification at page 3, lines 7-11)

Thus, the applicant notes that teaching the customization of toolbars alone is not enough to anticipate the applicant’s claims. In order to teach the applicant’s solution, Microsoft Excel 2000 would need teach “when the one or more source toolbar buttons are moved from the source toolbar to the destination toolbar, the destination toolbar constraints determine the size of the one or more source toolbar buttons,” and “the destination toolbar size does not change and all the toolbar buttons on the destination toolbar are a uniform size.” As Microsoft Excel 2000 only

teaches the problem and not the solution, the applicant maintains that Microsoft Excel 2000 does not anticipate the applicant's claims.

Remaining Claims

The remaining claims depend from or correspond to independent claims 1, 8, 13 and 19, are allowable for at least the reasons that apply to those independent claims.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is therefore respectfully requested.

New Claims 24-33

Support for the new claims is noted above.

Conclusion

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

The two (2) additional independent claims in the amount of \$400 and eight (8) additional dependent claims in the amount of \$400 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 5, 2007

/Arrienne Lezak/

Arrienne Lezak
Reg. No. 51,943

Customer No. 21876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071